

Article - Estates and Trusts

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§4-412.

(a) (1) A legacy may be made in form or substance to the trustee under the terms of a testamentary trust established under another will.

(2) The legacy is valid even if the testamentary trust or the will establishing the trust was not in existence when the will containing the legacy was executed, if:

(i) The will establishing the testamentary trust was executed, or was last modified with respect to the terms of the trust, prior to the death of the testator of the will containing the legacy;

(ii) The will establishing the testamentary trust is offered for probate prior to, or within 9 months after the death of the testator of the will containing the legacy; and

(iii) The will establishing the testamentary trust is admitted to probate.

(b) Unless the will otherwise provides:

(1) Property passing under the legacy passes from the personal representative directly to the trustee of the testamentary trust, becomes a part of the assets of the trust, and is not considered as held under a separate testamentary trust; and

(2) A termination of the trust in accordance with its terms, by its exhaustion, by operation of law, or otherwise, does not invalidate the legacy.

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